

BAY-310

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BAYCHAR

Serial No. 08/910,115

Group Art Unit: 1771

Filed: August 13, 1997

Examiner: C. Juska

For: WATERPROOF/BREATHABLE TECHNICAL APPAREL

**INFORMATION DISCLOSURE STATEMENT (IDS)**  
**UNDER § 1.97 AND § 1.98**

Commissioner for Patents  
Mail Stop DD  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure, Applicant informs the Examiner of the documents cited during prosecution of related applications and discovered by the Applicant.

1. This IDS should be considered:

(a) when filed within three months of the filing date of the present application, or within three months of the filing date of the National Stage as set forth in § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever occurs last;

(b) when filed before the mailing date of either a Final Rejection under § 1.113 or a Notice of Allowance under § 1.311, whichever occurs first and when 1(a) does not apply. For this purpose, there is included herein either a certification in section 4 below (included when indicated by a marked box), or a fee of \$180.00 (a Credit Card Payment Form in the amount of \$180.00 is enclosed, or if not see section 5 below);

(c) when filed prior to the payment of the Issue Fee, when 1(a)-(b) do not apply, and when a certification is included in section 4 below (included when indicated by a marked box); then the Applicant(s) hereby petition(s) and request(s) consideration of this IDS, and provided herewith is a fee of \$180.00 (a Credit Card Payment Form in the amount of \$180.00 to cover the petition fee, or if not see section 5 below).

2. When 1(a)-(c) do not apply, then it is requested that this IDS be placed in the file.

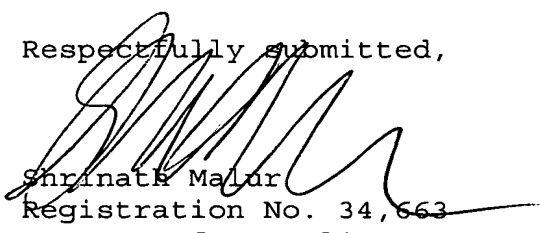
3. Listing of the information submitted is on the attached Form PTO-1449, which forms a part of this IDS.

4. If a fee or additional fee is required, the Commissioner is hereby authorized to charge any fee or additional fee that may be required and credit any excess to Deposit Account No. 50-1417.

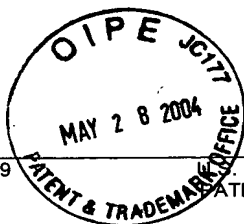
5. No explanation of relevancy is being provided for the following document(s) because each is either in the English language or discussed in the present Specification

6. If the PTO determines that part(s) of the required content is inadvertently omitted, then it is requested that the Applicant(s) be given additional time and specific identification of such omission(s) to enable full compliance.

Respectfully submitted,

  
Shrinath Malur  
Registration No. 34,663  
Attorney for Applicant

MATTINGLY, STANGER & MALUR  
1800 Diagonal Rd., Suite 370  
Alexandria, Virginia 22314  
(703) 684-1120  
Date: May 28, 2004

FORM PTO-1449  
(REV. 7-80)DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

BAY-310

SERIAL NO.

08/910,115

**LIST OF DOCUMENTS CITED BY APPLICANT**

(Use several sheets if necessary)

APPLICANT

BAYCHAR

FILING DATE

August 13, 1997

GROUP

1771

**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
AA	4,524,529	06/1985	Schaefer			
AB	3,839,138	10/1974	Kyle et al			
AC	3,616,170	10/1971	Closson Jr.			
AD	5,932,299	08/1999	Katoot			
AE	5,787,502	08/1998	Middleton			
AF	5,785,909	07/1998	Chang et al			
AG	5,775,006	07/1998	Breuner			
AH	5,727,336	03/1998	Ogden			
AI	5,439,733	08/1995	Paire			
AJ	5,365,677	11/1994	Dalhgren			
AK	5,171,033	12/1992	Olson et al			

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AL						<input type="checkbox"/>	<input type="checkbox"/>
AM						<input type="checkbox"/>	<input type="checkbox"/>
AN						<input type="checkbox"/>	<input type="checkbox"/>
AO						<input type="checkbox"/>	<input type="checkbox"/>
AP						<input type="checkbox"/>	<input type="checkbox"/>

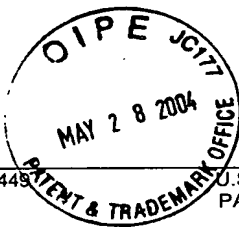
**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**

AR		
AS		
AT		

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449 (REV. 7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. BAY-310	SERIAL NO. 08/910,115
<b>LIST OF DOCUMENTS CITED BY APPLICANT</b> (Use several sheets if necessary)		APPLICANT BAYCHAR	
		FILING DATE August 13, 1997	GROUP 1771

**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
	AA 5,043,209	08/1991	Boisse et al			
	AB 4,823,407	04/1989	Phillips Jr. et al			
	AC 5,169,712	12/08/92	Tapp			
	AD 5,738,937	04/14/98	Baychar			
	AE 5,277,954	01/11/94	Carpenter et al			
	AF 4,816,328	03/28/89	Saville et al			
	AG 4,621,013	11/04/86	Holtrop et al			
	AH 4,529,641	07/16/85	Holtrop et al			
	AI 6,048,810	04/2000	Baychar			
	AJ 4,666,765	10/02/85	Caldwell			
	AK 5,004,643	03/10/89	Caldwell			

**FOREIGN PATENT DOCUMENTS**

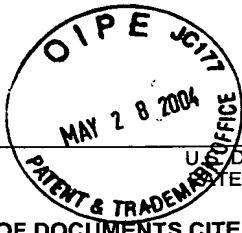
	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	AL					<input type="checkbox"/>	<input type="checkbox"/>
	AM					<input type="checkbox"/>	<input type="checkbox"/>
	AN					<input type="checkbox"/>	<input type="checkbox"/>
	AO					<input type="checkbox"/>	<input type="checkbox"/>
	AP					<input type="checkbox"/>	<input type="checkbox"/>

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
----------	-----------------

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449 (REV. 7-80)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. BAY-310	SERIAL NO. 08/910,115
<b>LIST OF DOCUMENTS CITED BY APPLICANT</b> (Use several sheets if necessary)		APPLICANT BAYCHAR	
		FILING DATE August 13, 1997	GROUP 1771

**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
	AA 5,134,017	07/1992	Baldwin et al			
	AB 5,098,778	03/1992	Minnick			
	AC 5,073,298	12/1991	Gentle et al			
	AD 4,729,179	03/1998	Quist Jr.			
	AE 4,656,760	04/1987	Tonkel et al			
	AF 4,805,319	02/1988	Tonkel			
	AG 5,209,965	04/02/91	Caldwell			
	AH 5,418,051	02/16/93	Caldwell			
	AI 6,074,966	09/09/97	Zlatkus			
	AJ 6,479,009	11/12/02	Zlatkus			
	AK 6,200,915	04/22/99	Adams			

**FOREIGN PATENT DOCUMENTS**

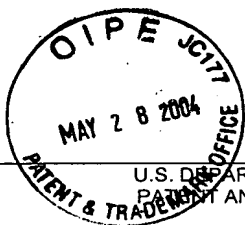
	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	AL					<input type="checkbox"/>	<input type="checkbox"/>
	AM					<input type="checkbox"/>	<input type="checkbox"/>
	AN					<input type="checkbox"/>	<input type="checkbox"/>
	AO					<input type="checkbox"/>	<input type="checkbox"/>
	AP					<input type="checkbox"/>	<input type="checkbox"/>

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT		

EXAMINER	DATE CONSIDERED
----------	-----------------

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
BAY-310SERIAL NO.  
08/910,115**LIST OF DOCUMENTS CITED BY APPLICANT**  
(Use several sheets if necessary)APPLICANT  
BAYCHARFILING DATE  
August 13, 1997GROUP  
1771**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
AA						
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AL						<input type="checkbox"/>	<input type="checkbox"/>
AM						<input type="checkbox"/>	<input type="checkbox"/>
AN						<input type="checkbox"/>	<input type="checkbox"/>
AO						<input type="checkbox"/>	<input type="checkbox"/>
AP						<input type="checkbox"/>	<input type="checkbox"/>

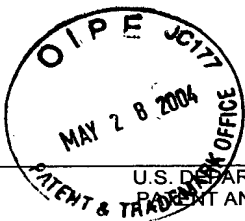
**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

AR	MOTOPORT - 1991 MOTOPORT U.S.A. Apparel and Accessory Catalog, 1991.
AS	Frisby Technologies Test Report - "Insulated Boot Lines Containing Microencapsulated Phase Change Materials", December 12, 1995.
AT	Frisby Technologies Test Report - "Cold Weather Boot Liners Containing COMFORTEMP Foam", September 24, 1996.

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
BAY-310SERIAL NO.  
08/910,115**LIST OF DOCUMENTS CITED BY APPLICANT**  
(Use several sheets if necessary)APPLICANT  
BAYCHARFILING DATE  
August 13, 1997GROUP  
1771**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	AL					<input type="checkbox"/>	<input type="checkbox"/>
	AM					<input type="checkbox"/>	<input type="checkbox"/>
	AN					<input type="checkbox"/>	<input type="checkbox"/>
	AO					<input type="checkbox"/>	<input type="checkbox"/>
	AP					<input type="checkbox"/>	<input type="checkbox"/>

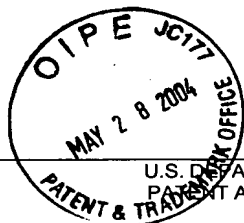
**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	"Analytical Modeling of A MicroPCM-Enhanced Diver Dry Suit", U.S. Naval Academy, Technical Report EW-20-96, August 1996.
	AS	Soccer Technology Catalog, PUMA, 1992.
	AT	OUTLAST Style #1750 (Alpine 1), Product Specification, 1996.

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449  
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

BAY-310

08/910,115

**LIST OF DOCUMENTS CITED BY APPLICANT**

(Use several sheets if necessary)

APPLICANT

BAYCHAR

FILING DATE

August 13, 1997

GROUP

1771

**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL	DOCUMENT	DATE	NAME	CLASS	SUBCLASS	FILING DATE (If Appropriate)
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	AL					<input type="checkbox"/>	<input type="checkbox"/>
	AM					<input type="checkbox"/>	<input type="checkbox"/>
	AN					<input type="checkbox"/>	<input type="checkbox"/>
	AO					<input type="checkbox"/>	<input type="checkbox"/>
	AP					<input type="checkbox"/>	<input type="checkbox"/>

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	OUTLAST Style #4330 (Alpine 2), Product Specification, 1996.
	AS	OUTLAST Alpine TRF3, Product Information Sheet, 1996.
	AT	

EXAMINER

DATE CONSIDERED

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.